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FILED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

JEANETTE Y. SAMS

(Name of the plaintiff or plaintiffs)
v.
CITY OF CHICAGO POLICE DEPT.

BARBARA HEMMERLING

(Name of the defendant or defendants)

CIVIL ACTION

NO. 13 CV 7625

Judge Pallmeyer

3RD AMENDED COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is JEANETTE Y. SAMS of the
county of COOK in the state of ILLINOIS.
3. The defendant is CITY OF CHICAGO POLICE DEPARTMENT, whose
street address is 3510 South Michigan Avenue,
(city) Chicago (county) Cook (state) Illinois (ZIP) 60652
(Defendant's telephone number) (312) - 745-6100
4. The plaintiff sought employment or was employed by the defendant at (street address)
3510 South Michigan Avenue (city) Chicago
(county) Cook (state) Illinois (ZIP code) 60652

5. The plaintiff [**check one box**]

- (a) ☐ was denied employment by the defendant.
- (b) ☒ was hired and is still employed by the defendant.
- (c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) MARCH, (day) 12, (year) 2012.

7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [**check one box**] ☐ has ~~not~~ ☒ has filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) MARCH (day) 12 (year) 2012.

(ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)_____ (day)_____ (year)_____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)_____
(day)_____ (year)_____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month) JULY (day) 27 (year) 2013 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only
those that apply*]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☒ other (specify): Placed on a Leave despite a medical letter stating ability to work therefore no medical coverage nor income as a form of punishment.

Defendant knowingly placed plaintiff at risk for further medical problems with
no income for daily needed life sustaining medicine, and the strong possibility
of a major stroke causing death.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

SEE ATTACHED

14. [**AGE DISCRIMINATION ONLY**] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

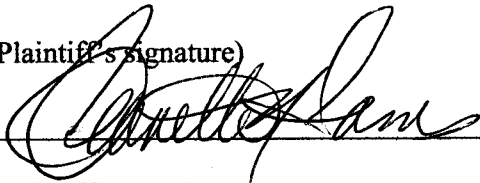
16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[*check only those that apply*]

- (a) ☐ Direct the defendant to hire the plaintiff.
(b) ☐ Direct the defendant to re-employ the plaintiff.
(c) ☐ Direct the defendant to promote the plaintiff.
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
(f) ☒ Direct the defendant to (specify): PAY ALL BACK PAY AND MAKE
WHOLE , FULL MEDICAL PENSION COVERAGE OR BENEFITS

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)



(Plaintiff's name)

JEANETTE Y. SAMS

(Plaintiff's street address)

7747 South Paxton Avenue

(City) Chicago (State) Illinois (ZIP) 60652

(Plaintiff's telephone number) (312) -213-8315

Date: 24 October 2013

I became a police officer in 1991. I am African American. Between 2005 and 2008, I suffered a series of strokes, leaving me disabled. My disabilities are a permanent brain injury and permanent heart damage. I am limited in my ability to think in that it is delayed; the left side of my body is not as strong as my right causing me to have to do more things with the right side of my body; I cannot drive for extended periods of time and due to the heart damage, I cannot do extreme physical activities like running or lifting objects over 50 pounds.

As a result of these strokes, I was off of work from June 2005 to May of 2010 on medical disability. During this time, I was retrained to do office work by way of speech therapy, cognitive therapy, occupational and physical therapies. Both my doctor and the City's doctor stated that I could return to limited duty so I requested to return to work in 2010. I was reinstated in January of 2011 to a limited duty police officer. The defendant wanted to place me back in the Alternate Response unit which is the unit where I had been when I suffered the first stroke. I requested an accommodation that I be placed in the Medical unit because of the retraining I had received and because my doctor recommended I not go back to the Alternate Response unit as it was loud, combative and poorly supervised which he feared could exacerbate my disabilities.

The Chief of Patrol granted my request for reassignment to the Medical unit but asked for a letter from my doctor stating why I needed this reassignment. Upon reading the letter, the Director of the Medical unit (white) stated that she did not want me in her unit and that if I did not return to the Alternate Response unit, she would make certain that I would be placed off of work. I refused to return to the Alternate Response unit, citing my accommodation. She then filled out a form stating that I was unfit to work despite the fact that both my doctor and the City's doctor had stated that I was able to return to work. She also denied another African American disabled person the right to work in her unit. She then hired two white police officers with less seniority than me to fill those positions. Additionally, she originally placed me on personal leave but later converted it to a medical leave. A requirement for her to place me on leave was that she had to have a form completed by a doctor stating the reasons why I should not be working; yet, she failed to do this. I requested to be returned to work in 2012 but was told I could not work because of my medical status. There is nothing in any files with the city stating why I am not permitted to work. I am still off of work on unpaid medical leave to this day.

I believe I have been discriminated against based on my race (African American) and my disabilities in violation of Title VII of the Civil Rights Act of 1964 and the ADA.

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Jeanette Y. Sams**
7747 S. Paxton Ave.
Chicago, IL 60649

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2012-02738

Jerry Zhang,
Investigator

(312) 869-8029**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

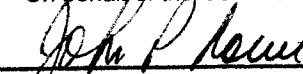
- NOTICE OF SUIT RIGHTS -

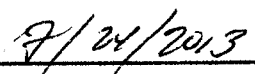
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


John P. Rowe,
District Director




(Date Mailed)

Enclosures(s)

cc:

Stephen Patton, Esq.
Chief Assist.
CITY OF CHICAGO DEPT OF LAW
30 North LaSalle St.
Room 1040
Chicago, IL 60602

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): 440-2012-02738 <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Illinois Department Of Human Rights and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Ms. Jeanette Y. Sams		Home Phone (Incl. Area Code) (773) 731-6948	Date of Birth 08-15-1958
Street Address 7747 S. Paxton Ave., Chicago, IL 60649			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CHICAGO POLICE DEPARTMENT		No. Employees, Members 500 or More	Phone No. (Include Area Code) (312) 745-5300
Street Address 3510 S. Michigan Ave., Chicago, IL 60652			
Name 		No. Employees, Members 	Phone No. (Include Area Code)
Street Address 			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____			DATE(S) DISCRIMINATION TOOK PLACE Earliest _____ Latest 03-12-2012 <input checked="" type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I began my employment with Respondent on or around January 30, 1991. I was employed as a Police Officer. During my employment, Respondent was aware of my disability. I requested a reasonable accommodation and it was not provided. In addition, I was subjected to different terms and conditions of employment, including, but not limited to, being placed on annual leave status without pay. On or around March 12, 2012, I was not allowed to return to work.</p> <p>I believe I have been discriminated because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe I have been discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended.</p> <p style="text-align: right;">MAR 23 2012</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Mar 23, 2012 Date		 Charging Party Signature	